

United States District Court, Northern District of Illinois

(9)

Name of Assigned Judge or Magistrate Judge	George M. Marovich	Sitting Judge if Other than Assigned Judge	James B. Moran
CASE NUMBER	89 CR 907 -3	DATE	8/31/2000
CASE TITLE	United States of America vs. Alfreda Vaughn-Robinson		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ General Rule 21 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. The petition is denied.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge.	WAH courtroom deputy's initials	ED-7 FILED FOR DOCKETING 00 AUG 31 PM 4: 08	number of notices	Document Number 435
			SEP 01 2000	
			date docketed	
			docketing deputy initials	
			date mailed notice	
		Date/time received in central Clerk's Office	mailing deputy initials	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

vs.

ALFREDA VAUGHN-ROBINSON,

Defendant.

DOCKETED

SEP 0 } 2000

No. 89 CR 907 - 2

MEMORANDUM OPINION AND ORDER

On July 31, 1990, defendant withdrew her plea of not guilty before Judge Marovich and entered a plea of guilty to counts 1 and 43 of the indictment pursuant to a written plea agreement. As part of that agreement the government agreed that the Sentencing Guidelines did not apply, and Judge Marovich sentenced defendant to five years probation, with the first three months as work release.

Apparently, in April 1998, defendant filed a petition for a writ of error *coram nobis*, or at least intended to file such a petition. In any event, nothing happened and the government had no record of such a petition. On February 29 of this year defendant filed a "renewed" petition, and it was referred to me because Judge Marovich was on senior status and was absent from the district for an extended period. After some false starts due to the government's inability to locate the original petition, the defendant filed the necessary documents and the government responded. Defendant was to file any reply by August 10, 2000, but no reply has been filed.


The thrust of the petition is that the earlier felony conviction has seriously hampered defendant's efforts to earn a living. She asks that her conviction offense be changed from a

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felony to a misdemeanor, just as her brother-in-law, George Robinson, was permitted to plead to misdemeanor counts after the jury was unable to reach a verdict with respect to the charges against him.

Defendant has several hurdles she must get over to obtain a writ. *See United States v. Barber*, 881 F.2d 345, 348 (7th Cir. 1989), *cert. denied*, 495 U.S. 922 (1990). The first is that there must be a defect that saps the proceedings of any validity, *United States v. Keane*, 852 F.2d 199, 202-03 (7th Cir. 1988), *cert. denied*, 490 U.S. 1084 (1989), an error of the most fundamental character, *United States v. Bush*, 888 F.2d 1145, 1147-48 (7th Cir. 1989). But here no error is even claimed. Defendant was indicted, she went to trial, she entered a plea while the jury was deliberating, the factual basis for the plea is well-documented in the plea agreement, and she was sentenced (as was George Robinson) to a period of probation which has long expired. While we recognize that the conviction may well have a lingering effect on various aspects of her life, we have no authority in those circumstances to issue the writ requested or to alter the historical record. The petition is denied.

Aug. 31, 2000.


JAMES B. MORAN
Senior Judge, U. S. District Court